

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : STIPULATION AND ORDER

Plaintiff, : 05 Civ. 7722 (CM)

- v - :

ALL ASSETS OF BAYOU ACCREDITED FUND, LLC; BAYOU AFFILIATES FUND, LLC; BAYOU NO LEVERAGE FUND, LLC; BAYOU SUPERFUND, LLC; BAYOU SECURITIES, LLC; BAYOU MANAGEMENT, LLC; AND BAYOU FUND LLC, :

INCLUDING, BUT NOT LIMITED TO, APPROXIMATELY \$100,010,673.68 ON DEPOSIT AT BANK OF AMERICA IN THE NAME OF THE ARIZONA STATE TREASURER AND REFERENCED AS SW 2005-001633, :

AND ALL INTEREST AND OTHER PROCEEDS TRACEABLE THERETO, :

Defendants in Rem.

USDC SDNY
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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

WHEREAS, on September 1, 2005, the United States filed a complaint seeking civil forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984 of all right, title and interest in all assets of Bayou Accredited Fund, LLC; Bayou Affiliates Fund, LLC; Bayou No Leverage Fund, LLC; Bayou Superfund, LLC; Bayou Securities, LLC; Bayou Management, LLC; and Bayou Fund LLC (hereinafter referred to collectively as "Bayou"), on the ground that the defendant property constitutes the proceeds of mail fraud, wire fraud, and securities fraud, and property traceable to such property;

, WHEREAS, the property subject to forfeiture includes \$155,747 presently held by Andrew Bowman, Esq. (the "Funds");

WHEREAS, Daniel E. Marino ("Marino") represents that he has sole authority to enter into this Stipulation;

WHEREAS, the United States and Marino agree that the Funds should be turned over to the United States and held pending an adjudication on the merits in this forfeiture action;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between plaintiff, United States of America, by and through its attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, Margery B. Feinzig and Barbara A. Ward, Assistant United States Attorneys, of counsel, and Daniel E. Marino, as follows:

1. Marino shall promptly cause the Funds to be turned over to the United States by check payable to the United States Marshals Service.

2. The Funds shall be held by the United States Marshals Service until further order of the Court.

3. Marino is hereby barred from asserting any claim against the United States or any of its agents and employees, including the Federal Bureau of Investigation, the United States Marshals Service, and the United States Attorney's Office for the Southern District of New York, in connection with, or arising out of, the United States' actions against and relating to the Funds.

4. Marino further agrees to hold harmless the United States and any and all of the United States' agents and employees, including the Federal Bureau of Investigation, the United States Marshals Service, and the United States Attorney's Office for the Southern District of New York, from any and all claims, including third party claims, in connection with or arising out of the United States' actions against and relating to the Funds.

5. The United States and Marino shall each bear their own costs and attorneys' fees.

6. The signature pages of this Stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

7. This Stipulation constitutes the entire agreement between the United States and Marino with respect to the Funds and may not be amended except by written consent of the same.

8. The exclusive jurisdiction and venue for any dispute arising between and among the signatories to this Stipulation, and for any action related in any way to an indemnification under this Stipulation, will be the United States

District Court for the Southern District of New York, and this Court, by its endorsement of this Stipulation and Order, expressly retains such authority.

Dated: New York, New York
Sept. 16 , 2005

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for the Plaintiff
United States of America

By:

Margery B. Feinzig
MARGERY B. FEINZIG (MF-0553)
BARBARA A. WARD (BW-4314)

DANIEL E. MARINO

9/16/05 at 10:03 AM

Andrew B. Bowman
ANDREW BOWMAN, Esq. (AB-BPS)
Attorney for Daniel E. Marino

SO ORDERED:

Colleen McMahon
HONORABLE COLLEEN McMAHON
UNITED STATES DISTRICT JUDGE

Date: 9/16/05